

**Environmental Assessment**

---

**Attachment P. FAA Determination**



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2022-ASO-34261-OE

Issued Date: 07/26/2023

Rob Toerne  
 Big Rivers Electric Corporation  
 3805 W 5th St.  
 Owensboro, KY 42301

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:                 Antenna Tower Big Rivers Electric Tower - Revised Location  
 Location:                 Owensboro, KY  
 Latitude:                 37-46-10.00N NAD 83  
 Longitude:                87-09-39.00W  
 Heights:                 400 feet site elevation (SE)  
                                157 feet above ground level (AGL)  
                                557 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

**See attachment for additional condition(s) or information.**

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 01/26/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5928, or [chris.smith@faa.gov](mailto:chris.smith@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-ASO-34261-OE.

**Signature Control No: 552095488-594721767**

( DNE )

Chris Smith  
Specialist

Attachment(s)  
Additional Information  
Frequency Data  
Map(s)

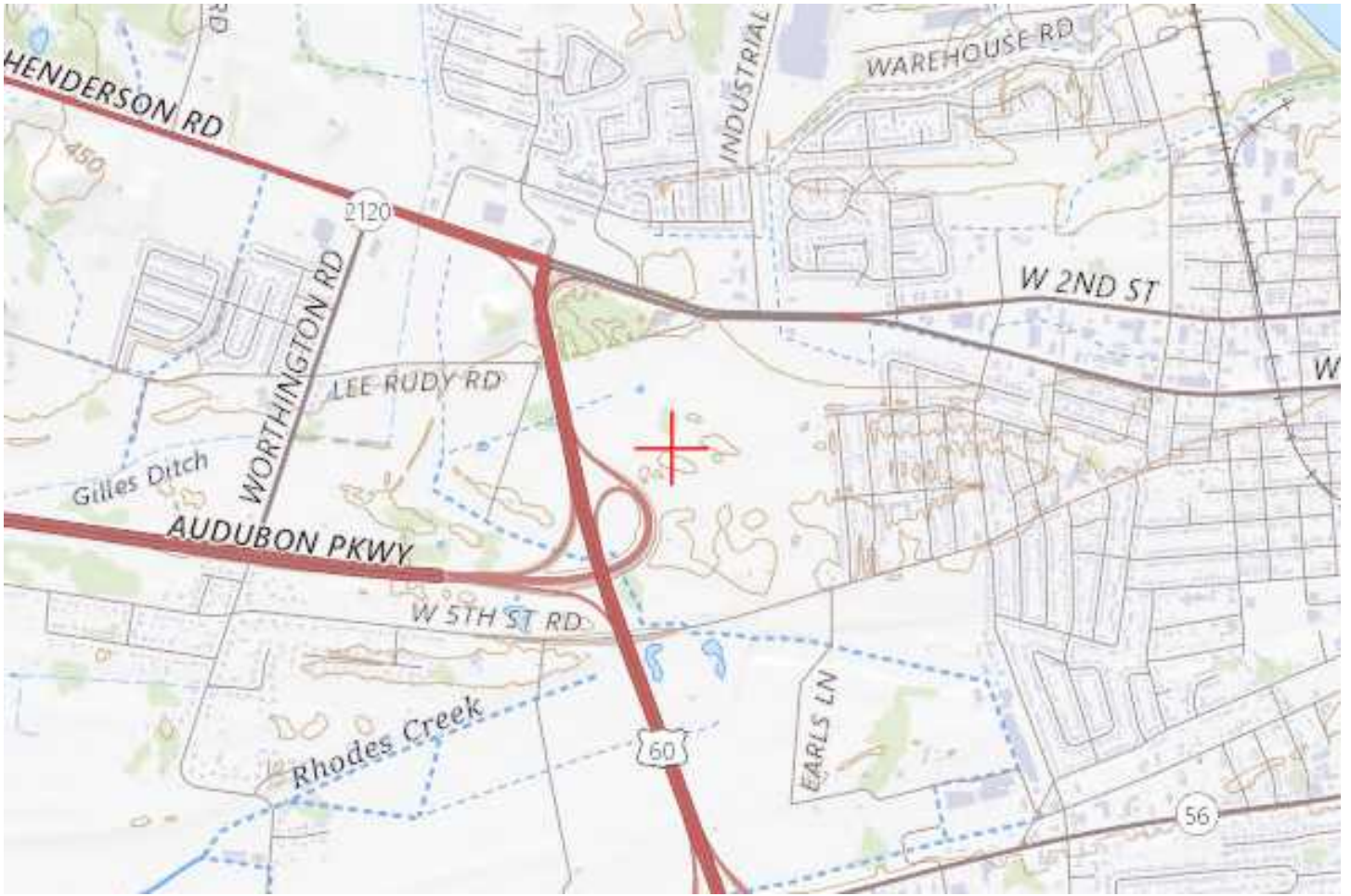
cc: FCC

**Additional information for ASN 2022-ASO-34261-OE**

No objection providing that your spurious emissions are less than the FCC minimum requirement of -13dbm by -10.57 db (exceeds in-band analysis) which equals -23.57 dbm.

Frequency Data for ASN 2022-ASO-34261-OE

<b>LOW FREQUENCY</b>	<b>HIGH FREQUENCY</b>	<b>FREQUENCY UNIT</b>	<b>ERP</b>	<b>ERP UNIT</b>
151.1	151.1	MHz	135	W





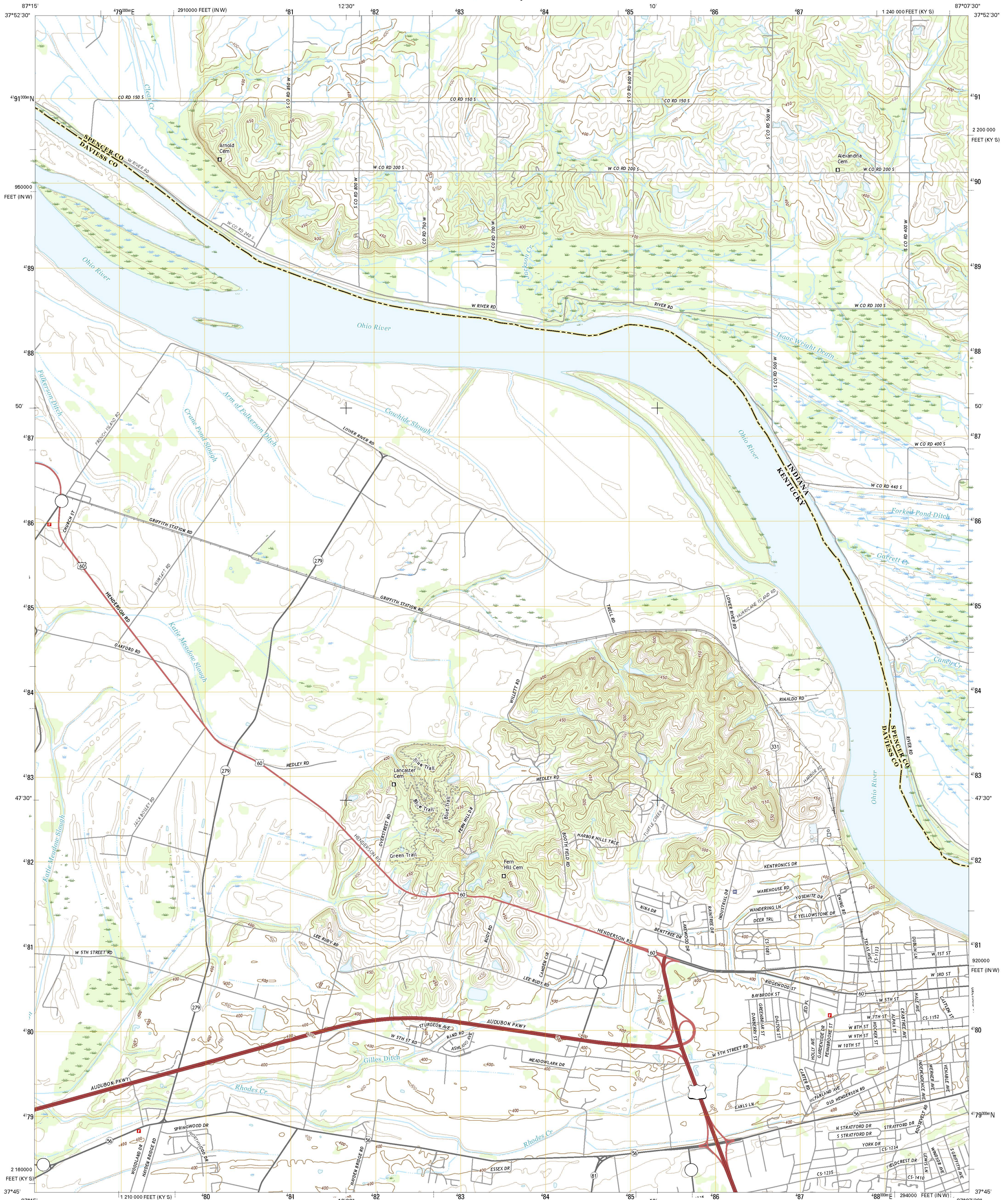


**Environmental Assessment**

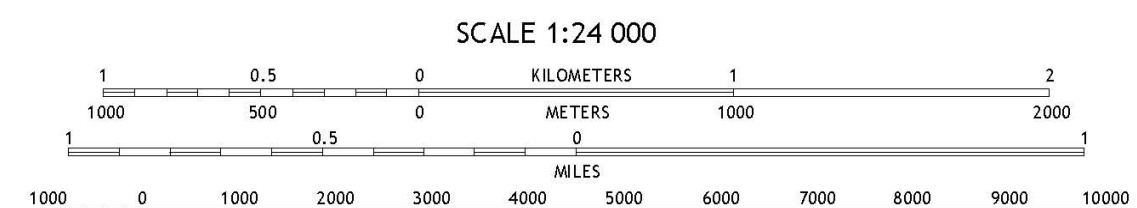
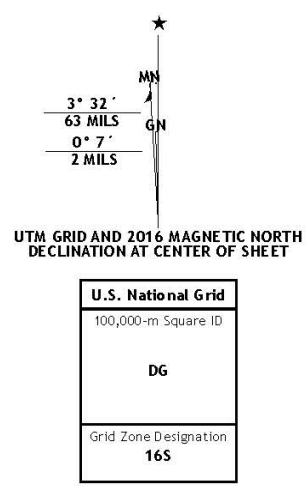
---

**Attachment Q. Topography Map – Owensboro West Quadrangle**

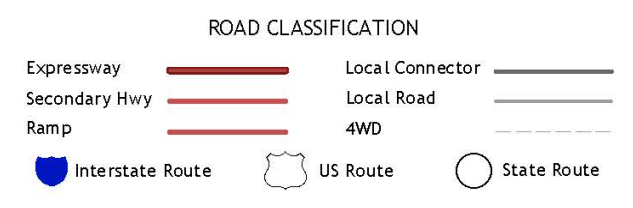




**Produced by the United States Geological Survey**  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84), Projection and  
10 000-foot ticks: Kentucky Coordinate System of 1983 (south  
zone), Indiana Coordinate System of 1983 (west zone)  
This map is not a legal document. Boundaries may be  
generated for this map scale. Private lands with government  
reservations may not be shown. Obtain permission before  
entering private lands.  
Imagery.....NAIP, July 2014  
Roads.....U.S. Census Bureau, 2015 - 2016  
Names.....GNIS, 2016  
Hydrography.....National Hydrography Dataset, 2014  
Contours.....National Elevation Dataset, 2002  
Boundaries.....Multiple sources; see metadata file 1972 - 2016  
Public Land Survey System.....BLM, 2015  
Wetlands.....FWS National Wetlands Inventory 1977 - 2014



SCALE 1:24 000  
CONTOUR INTERVAL 10 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1988  
This map was produced to conform with the  
National Geospatial Program US Topo Product Standard, 2011.  
A metadata file associated with this product is draft version 0.6,19



1	2	3	1 Yankeetown
2	3	4	2 Richland City
3	4	5	3 Reepport
4	5	6	4 Reed
5	6	7	5 Owensboro East
6	7	8	6 Gundersville
7	8		7 Panther
8			8 Sutherland





**Environmental Assessment**

---

**Attachment R. USACE Correspondence**



**DEPARTMENT OF THE ARMY**  
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE  
CORPS OF ENGINEERS  
REGULATORY DIVISION, SOUTH BRANCH  
6855 STATE ROAD 66  
NEWBURGH, INDIANA 47630

April 13, 2023

Regulatory Division  
South Branch  
LRL-2023-325-tmb

Ms. Jill Lagace  
Sargent & Lundy  
55 East Monroe Street  
Chicago, IL 60603

Dear Ms. Lagace:

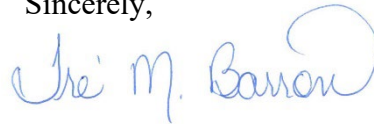
This is in response to your request for an environmental review received in this office on March 29, 2023, on behalf of Big Rivers Electric Corporation, to construct a new Transmission Operations Center in Owensboro, Daviess County, Kentucky

After reviewing the information submitted, it appears that “waters of the U.S.” may exist within your proposed project area. For the Corps to review your project accurately, you must provide us with a full description of the project that includes all impacts to “waters of the U.S.” The Corps of Engineers exercises regulatory jurisdiction on “waters of the U.S.” under the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899. Section 404 of the CWA requires that a Department of the Army (DA) Permit be obtained for the placement or discharge of dredged and/or fill material into “waters of the United States (U.S.),” including wetlands, prior to conducting the work (33 U.S.C. 1344). Section 10 of the Rivers and Harbors Act of 1899 requires that a DA Permit be obtained for structures or work in or affecting navigable “waters of the U.S.,” prior to conducting the work (33 U.S.C. 403). Normally, the authorization is in the form of a Department of the Army (DA) permit issued in accordance with the provisions of Section 404 of the CWA (33 USC 1344).

If what you are proposing necessitates the discharge of dredged or fill material into jurisdictional "waters of the U.S.," including wetlands and stream crossings or work in, on or over a navigable “waters of the U.S.” will occur, plans should be submitted, and each impact should be clearly marked for our review.

If you have any questions concerning this matter, please contact this office at the above address, ATTN: CELRL-RDS, by calling 812-853-9713 or by email at [tre.m.barron@usace.army.mil](mailto:tre.m.barron@usace.army.mil). All correspondence pertaining to this matter should refer to our ID No. LRL-2023-325-tmb.

Sincerely,



Ms. Tré M. Barron  
Environmental Protection Specialist  
Regulatory Branch

**Environmental Assessment**

---

**Attachment S. Kentucky Energy and Environment Cabinet Correspondence**



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-2150  
TELEFAX: 502-564-4245

May 12, 2023

Sargent & Lundy  
Jill G. Lagace  
55 E Monroe St.  
Chicago, IL 60603-5780

RE: Big Rivers Transmission Operations Center (TOC) (NEPA 2023-20)

Dear Sir or Madam,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection (DEP) coordinates the review for Kentucky state agencies. We received your letter requesting an environmental review for this project. We have reviewed the document and provided comments below.

**Division of Enforcement**

The Division of Enforcement does not have any concerns about this proposed project. Big Rivers constructs, owns, operates, and maintains an electric transmission system in the northern portion of western Kentucky. High-voltage electric power is delivered to our Member-Owners' systems through this robust transmission system that contains 1,303 miles of line, 22 transmission substations and 24 high-voltage interconnections with seven surrounding electric utilities.

**Division of Water**

**Water Quality Branch**

Comment: Best management practices should be utilized to reduce runoff from project activities into nearby waters.

Questions should be directed to Andrea Fredenburg, (502) 782-6950, [Andrea.Fredenburg@ky.gov](mailto:Andrea.Fredenburg@ky.gov).

**Field Operations Branch**

Comment: 1) Developers would need to submit a Notice of Intent (NOI) for a KPDES General Stormwater Construction Activities and receive approval from DOW before implementing construction.

2) Construction plans would need to include development of a SWPPP (Stormwater Pollution Prevention Plan) applicable to the site and install/maintain proper Best Management Practices (BMPs) within the project area and throughout the duration of project to include spill protection, minimize erosion and ensure protection of surface waters.

3) Ensure pre-dig planning with markup of all existing drinking water and wastewater collection system lines within in the project area to ensure service lines are not damaged or services disrupted during the construction phases.

Questions should be directed to Constance Coy, (502) 782-6587, [Constance.Coy@ky.gov](mailto:Constance.Coy@ky.gov).

#### Watershed Management Branch

Water Supply Section:

Comment: No comments.

Questions should be directed to Chip Zimmer at (502) 782-7141, [Edward.Zimmer@ky.gov](mailto:Edward.Zimmer@ky.gov).

Groundwater Section:

Comment: The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, it is our recommendation that site be made aware of the requirements of 401 KAR 5:037 and the need to develop a Groundwater Protection Plan (GPP) for the protection of groundwater resources within that area.

Questions should be directed to Kurtis Spears at (502) 782-7119, [Kurtis.Spears@ky.gov](mailto:Kurtis.Spears@ky.gov).

#### Water Resources Branch

Floodplain Management Section:

Comment: Based on the mapping provided, this project appears to be outside the regulated floodplain. Permitting from the Floodplain Management section, Division of Water is not required.

Questions should be directed to Shawn Hokanson at (502) 782-6977, [Shawn.Hokanson@ky.gov](mailto:Shawn.Hokanson@ky.gov).

Water Quality Certification Section:

Comment: If the activity requires a federal permit due to activities in or near Waters of the U.S., a Clean Water Act Section 401 Water Quality Certification from the DOW may be required for this project.

Questions should be directed to the Water Quality Certification Section, (502) 564-3410, [401WQC@ky.gov](mailto:401WQC@ky.gov).

#### Surface Water Permits Branch

Permit Support Section:

Comment: If the construction area disturbed is equal to or greater than 1 acre, the applicant will need to apply for a Kentucky Pollutant Discharge Elimination System (KPDES) stormwater discharge permit.

Questions should be directed to the Permit Support Section, (502) 564-3410, [SWPBsupport@ky.gov](mailto:SWPBsupport@ky.gov).



## **Division of Waste Management**

Based on the information provided by the applicant for this project:

UST Branch records indicate the following underground storage tank site issues identified within the project impact area:

Closed Site:

Hickory Springs  
MASTER AI ID: 63228  
LONGITUDE: -87.157694  
LATITUDE: 37.773546

If any USTs are encountered during the project construction they should be reported to KDWM. Any UST issues or questions should be directed to the UST Branch.

Superfund Branch records indicate no superfund sites identified within the project impact area. Any superfund issues or questions should be directed to the Superfund Branch.

Solid Waste Branch records indicate no active or historic landfill sites within the project impact area. Any solid waste issues or questions should be directed to the Solid Waste Branch.

Hazardous Waste Branch records indicate no hazardous waste issues identified within the project impact area. Any hazardous waste issues or questions should be directed to the Hazardous Waste Branch.

RLA Branch records indicate no RLA tracked open dumps identified within the project impact area. Any issues or questions should be directed to the RLA Branch.

All solid waste generated by this project must be disposed of at a permitted facility.

If asbestos, lead paint and/or other contaminants are encountered during this project contact the Division of Waste Management for proper disposal and closure.

The information provided is based on those facilities or sites that KDWM currently has in its database. If you would like additional information on any of these facilities or sites, you may contact the file room custodian at (502) 782-6357. Please keep in mind additional locations of releases, potential contamination or waste facilities may be present but unknown to the agency. Therefore, it is recommended that appropriate precautions be taken during construction activities. Please report any evidence of illegal waste disposal facilities and releases of hazardous substances, pollutants, contaminants or petroleum to the 24-hour Environmental Response Team at 1-800-928-2380.

## **Division for Air Quality**

401 KAR 63:010, Fugitive Emissions, states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth-moving equipment to be deposited onto a paved street or roadway. Please note the Fugitive Emissions Fact Sheet located at <https://eec.ky.gov/Environmental-Protection/Air/Documents/Fugitive%20Dust%20Fact%20Sheet.pdf>

401 KAR 63:005 states that open burning shall be prohibited except as specifically provided. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <https://eec.ky.gov/Environmental-Protection/Air/Pages/Open-Burning.aspx>

The Division would like to offer the following suggestions on how this project can help us stay in compliance with the National Ambient Air Quality Standards (NAAQS). These air quality control strategies are beneficial to the health of citizens of Kentucky.

- Utilize alternatively fueled equipment.
- Utilize other emission controls that are applicable to your equipment.
- Reduce idling time on equipment.

The Division also suggests an investigation into compliance with applicable local government regulations.

## **Kentucky Nature Preserves**

Your project might have the potential of impacting federally or state listed species and natural communities. Go to the Kentucky Biological Assessment Tool ([kynaturepreserves.org](http://kynaturepreserves.org)) to obtain a Standard Occurrence Report for information regarding listed species known within your project area. The report will also provide information on public and private conservation lands, areas of biodiversity significance, and other natural resources in your project area for which the Office of Kentucky Nature Preserves maintains data.

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments. If you should have any questions, please contact me at (502) 782-0863 or e-mail [Louanna.Aldridge@ky.gov](mailto:Louanna.Aldridge@ky.gov).

Sincerely,



Louanna Aldridge

Environmental Scientist Consultant Sr.

Office of the Commissioner

Department for Environmental Protection

Energy and Environment Cabinet